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Supreme Court, U.S.
FILED

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No.
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In The
SUPREME COURT OF THE UNITED STATES

JOHN THOMAS TELLO,
Defendant-Third Party Plaintiff-Appellant-Petitioner,

v.

STATE OF TEXAS,
Plaintiff-Appellee-Respondent,

and

HAROLD EAVENSON, Sheriff,
Third Party Defendant-Appellee-Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

ORIGINAL PETITION FOR
WRIT OF CERTIORARI

JOHN TELLO
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Questions Presented

Due Process, Removal Jurisdiction

1. What is a "criminal proceeding?"

Due Process, Statutory Challenge

2. Does an unsworn motion, alleging non-criminal conduct, ever justify ex parte issuance of a capias?

Due Process, Removal, State Court Subject Matter Jurisdiction and Comity

[Raised for first time here.]

3. Did STATE's (amended) motion to revoke satisfy its burden on standing?

(May the federal court abstain where federal jurisdiction exists and state jurisdiction does not?)

(May a federal court *with* jurisdiction remand to a state court that *lacks* jurisdiction? How is comity served?)

Habeas Jurisdiction (Sheriff as temporary custodian)

4. Where federal habeas jurisdiction exists, does *Younger* apply? (See Question 3.)
5. Is the habeas matter severable from the removal matter?

Parties

The parties to the court of appeals judgment sought to be reviewed are the following:

Appellant

JOHN TELLO

Appellees

STATE OF TEXAS, a federal corporation
[No Brief.]

HAROLD EAVENSON, Sheriff,
ROCKWALL COUNTY, TEXAS
[No Brief.]

Case Style (on Appeal)

STATE OF TEXAS, a federal corporation,
Plaintiff-(Appellee),

v.

JOHN THOMAS TELLO

Defendant-Third Party Plaintiff-(Appellant),

v.

HAROLD EAVENSON, Sheriff

Third Party Defendant-(Appellee).

[In the trial court, soon after removal of the revocation proceeding, Tello sought habeas via third party petition.]

Table of Contents

Questions Presented	i
Parties	ii
Table of Cited Authorities.....	viii
Citations to decisions below	xiv
Jurisdiction.....	xiv
Non-Argument Calendar Preferred	xiv
Key Terms of "Community Supervision"	xv
Key Statutory Language—Question 1	xvi
Texas Code of Criminal Procedure	xvi
Art. 38.03. [705] [785] [765] Presumption of innocence	xvi
Texas Penal Code.....	xvi
§ 2.01. Proof Beyond a Reasonable Doubt. ...	xvi
Key Statutory Language—Question 2.....	xvii
Texas Code of Criminal Procedure, Art. 42.12...	xvii
Sec. 1. Purpose	xvii
Sec. 5. Deferred Adjudication; Community Supervision.....	xvii
Sec. 10. Authority to Impose, Modify, or Revoke Community Supervision.....	xviii
Sec. 11. Basic Conditions of Community Supervision.....	xix
Sec. 12. Confinement as a Condition of Community Supervision	xxii
Sec. 13B. Defendants Placed on Community Supervision for Sexual Offenses Against Children.....	xxii
Sec. 21. Violation of Community Supervision: Detention and Hearing	xxiv

Texas Rules of Appellate Procedure	xxv
Rule 25. Perfecting Appeal.....	xxv
Key Statutory Language—Question 3	xxvi
Texas Code of Criminal Procedure	xxvi
Art. 42.12 § 13B(a)(1)(B)—“child safety zone.”	
.....	xxvi
Art. 42.12 § 13B(i)— <i>Rickels</i> , and the 2003	
“zone” exceptions.	xxvii
Texas Penal Code	xxviii
§ 2.02. Exception.	xxviii
Citations to additional authority	xxviii
Statement of the Case	1
Trial Court Jurisdiction.....	1
Indelibly branded for life	1
“The” companion issue to <i>Blakely</i>	1
Procedure—Core of the removal issue	1
Revocation is <i>civil</i>	1
Ex parte capias issued for non-criminal conduct on	
no evidence—a completely preemptive federal	
question.	1
Procedure—Core of the adjudication issue	2
STATE breached, then kept the benefit of the deal!	
.....	2
Substantive Details—The Dallas County <i>Batson</i>	
violations pale in comparison	2
Tello self-started with SOTP counseling.	2
Forming the plea agreement.	2
NILES-JONES tortiously interfered.	3

NILES-JONES intended to set Tello up—It backfired!.....	3
STATE's original motion—a legally impossible charge.....	4
The visiting judge ordered Tello arrested.....	5
An epitome of retaliatory lawlessness, under color.	5
STATE breached the agreement!—There was no “child safety zone,” as a matter of law!.....	5
Tello removed the <i>civil</i> revocation proceeding.....	5
Habeas.....	6
Fifth Circuit stopped here.....	6
Remand and STATE's amended motion to revoke.....	6
A second legally impossible “zone” charge.....	6
Tello's Physician-Patient privilege.....	6
STATE benefited from breaching the deal!.....	7
Preponderance-standard-based adjudication.....	7
The Right to Appeal certificate.....	7
<i>Mickens</i> notice and post-trial motions.....	8
The direct appeal.....	8
The Record preparation fee.....	8
Postponement and the <i>Colorado River</i> doctrine.	8
The Record, the fee and mandamus.....	8
The Bond—stripping statutory protection?.....	9
STATE's motion to revoke Bond.....	9
Residence-based “zone” charge.....	10
Work-based “zone” charge.....	10
The present “official” reading of the Bond <i>judicially</i> <i>confesses</i> the illegality of the original arrest!. 10	
Tello removed the Bond revocation proceeding, and Hall defied the automatic stay.....	11
Hall's <i>extortionate</i> Judgments Nisi.....	11

Argument.....	12
Remedies Requested	12
Reverse the Dismissal.....	12
Confirm Removal and Dismiss All Charges.....	12
Grant Habeas.....	12
Summary.....	12
Removal.....	12
Habeas.....	12
Discussion	13
Removal, Jurisdiction.....	13
1. What is a “criminal proceeding?”	13
Key Due Process elements of a “criminal proceeding.”	13
Elements of the revocation proceeding.....	14
Focus—The Evidentiary Standard.....	15
Post-judgment enforcement of a settlement agreement is now a criminal proceeding?.....	15
Conclusion.....	17
Statutory Challenge	18
2. Does an unsworn motion, alleging non-criminal conduct, ever justify ex parte issuance of a capias?... 18	
Revocation exposes massive separation of powers and Due Process problems.	18
The catastrophic problem is systemic, by design.	18
The no-evidence-needed capias.....	18
No-guilty-plea-needed adjudication.....	19
Conclusion—Entire scheme violates separation of powers and Due Process.....	19
Epilog.	19

Due Process, Removal, State Court Subject Matter Jurisdiction and Comity	20
3. Did STATE's (amended) motion to revoke satisfy its burden on standing?	20
Development of the Question.	20
Texas law: STATE can't breach <i>and</i> benefit.	20
STATE's breach: making note of what's missing.	20
Standing: Federal standard—"injury in fact."	21
Standing: Texas standard—"actual grievance." ..	21
Removal and STATE's lack of standing—Part 1.	21
Removal and STATE's lack of standing—Part 2.	22
Removal and STATE's lack of standing—Part 3.	22
Removal, jurisdiction and judicial burden—a thought on procedure.	23
Conclusion.....	23
Habeas Jurisdiction (Sheriff as temporary custodian)....	24
4. Where federal habeas jurisdiction exists, does <i>Younger</i> apply? (<i>See</i> Question 3.)	24
5. Is the habeas matter severable from the removal matter?	25
Conclusion	26
Remedies and Relief Requested	29

Table of Cited Authorities

Cases

<i>Apprendi v. New Jersey</i> , 530 U.S. 466 (2000).	12, 15
<i>Blakely v. Washington</i> , 542 U.S. 296 (2004).	1, 7, 12, 15
<i>Colorado River Water Conservation District v. United States</i> , 424 U.S. 800 (1976).	8
<i>Crawford v. Washington</i> , 541 U.S. 36 (2004).	6
<i>Dennison Mattress Factory v. Spring-Air Co.</i> , 308 F.2d 403 (5 th Cir. 1962).	20
<i>Dobbins v. Redden</i> , 785 S.W.2d 377 (Tex. 1990).	20
<i>Gideon v. Wainwright</i> , 372 U.S. 335 (1963).	14
<i>Hurtado v. California</i> , 110 U.S. 516 (1884).	13
<i>Information Communications Corp. v. UNISYS Corp.</i> , 181 F.3d 692 (5 th Cir. 1999).	20
<i>Jackson v. State</i> , 915 S.W.2d 104 (Tex. App.—San Antonio 1996) (“ <i>Jackson</i> ”).	1, 12, 15, 18
<i>Leventhal v. Knappek</i> , 266 F.3d 64 (2d Cir. 2001).	1
<i>Lujan v. Defenders of Wildlife</i> , 504 U.S. 555 (1992).	21
<i>McDonald v. Texas</i> , 442 S.W.2d 386 (Tex. Crim. App. 1969).	3
<i>Mead v. Johnson Group, Inc.</i> , 615 S.W.2d 685 (Tex. 1981).	20
<i>Mickens v. Taylor</i> , 535 U.S. 162 (2002).	8
<i>Miranda v. Arizona</i> , 384 U.S. 436 (1966).	xxix
<i>Pappan Enterprises, Inc. v. Hardee’s Food Systems, Inc.</i> , 143 F.3d 800 (3 ^d Cir. 1998).	20
<i>Phillips Petroleum Co. v. Shutts</i> , 472 U.S. 797 (1985).	21
<i>Ranger Nationwide, Inc. v. National Indemnity Co.</i> , 658 F. Supp. 103 (E.D. Pa.), <i>aff’d</i> 833 F.2d 307 (3 ^d Cir. 1987).	20
<i>Rickels v. State</i> , 108 S.W.3d 900 (Tex. Crim. App. 2003).	xxvii, 3, 9
<i>Rinto v. State</i> , 628 S.W.2d 159 (Tex. App.—Houston [14 th Dist.] 1982).	1, 12, 15, 18
<i>Rodriguez v. State</i> , 804 S.W.2d 516 (Tex. Crim. App. 1991) (en banc).	1, 12, 15, 18

<i>Roe v. Wade</i> , 410 U.S. 113 (1973).	16
<i>Tex. Dept. of Parks & Wildlife v. Miranda</i> , 133 S.W.3d 217 (Tex. 2004).	4, 21
<i>Tex. Dept. of Trans. v. City of Sunset Valley</i> , 146 S.W.3d 647 (Tex. 2004) ("Sunset Valley").	4
<i>Trulock v. Freeh</i> , 275 F.3d 391 (4 th Cir. 2001).	1
<i>United States v. Bass</i> , 404 U.S. 336 (1971) ("Bass"). ..	14, 18
<i>United States v. Booker</i> , __ U.S. __, 125 S. Ct. 738 (Jan. 12, 2005) ("Booker").	1, 15
<i>United States v. Classic</i> , 313 U.S. 299 (1941) (Douglas, J., dissenting) ("Classic").	14
<i>United States v. Evans</i> , 333 U.S. 483 (1948) ("Evans"). ..	14
<i>United States v. Lanier</i> , 520 U.S. 259 (1997) ("Lanier"). 14, 18	
<i>United States v. Paige</i> , 136 F.3d 1012 (5 th Cir. 1998) ("Paige").	1
<i>United States v. Whitney</i> , 649 F.2d 296 (5 th Cir. Unit B 1981) ("Whitney").	1
<i>Younger v. Harris</i> , 401 U.S. 37 (1971).	11, 15, 24

Statutes

28 U.S.C.A. § 1446(a) (West 1994).	21
31 U.S.C. § 5103 (2000).	8
42 U.S.C.A. §§ 1320d-6, 1320d-7 & 1395x (West 2003) ("HIPAA").	xxi, xxiii
TEX. CODE CRIM. PROC. ANN. art. 1.05 (West 2005) ("Art. 1.05").	13, 14
TEX. CODE CRIM. PROC. ANN. art. 1.051 (West 2005) ("Art. 1.051").	14
TEX. CODE CRIM. PROC. ANN. art. 1.06 (West 2005) ("Art. 1.06").	13, 14
TEX. CODE CRIM. PROC. ANN. art. 1.12 (West 2005) ("Art. 1.12").	14
TEX. CODE CRIM. PROC. ANN. art. 1.13 (West 2005) ("Art. 1.13").	14

TEX. CODE CRIM. PROC. ANN. art. 1.141 (West 2005) ("Art. 1.141").	13
TEX. CODE CRIM. PROC. ANN. art. 1.15 (West 2005) ("Art. 1.15").	13, 14
TEX. CODE CRIM. PROC. ANN. art. 1.25 (West 2005) ("Art. 1.25").	14
TEX. CODE CRIM. PROC. ANN. art. 2.03 (West 2005) ("Art. 2.03").	14
TEX. CODE CRIM. PROC. ANN. art. 2.122(c) (West 2005) ("Art. 2.122(c)").	14
TEX. CODE CRIM. PROC. ANN. art. 7.01 (West 2005) ("Art. 7.01").	13
TEX. CODE CRIM. PROC. ANN. art. 11.07 § 3 (West 2005) ("Art. 11.07 § 3").	13
TEX. CODE CRIM. PROC. ANN. art. 11.071 § 9 (West 2005) ("Art. 11.071 § 9").	13
TEX. CODE CRIM. PROC. ANN. art. 11.072 § 6 (West 2005) ("Art. 11.072 § 6").	13
TEX. CODE CRIM. PROC. ANN. art. 11.45 (West 2005) ("Art. 11.45").	14
TEX. CODE CRIM. PROC. ANN. art. 11.46 (West 2005) ("Art. 11.46").	14
TEX. CODE CRIM. PROC. ANN. art. 14.03 (West 2005) ("Art. 14.03").	14
TEX. CODE CRIM. PROC. ANN. art. 15.03 (West 2005) ("Art. 15.03").	13
TEX. CODE CRIM. PROC. ANN. art. 15.04 (West 2005) ("Art. 15.04").	13
TEX. CODE CRIM. PROC. ANN. art. 15.17 (West 2005) ("Art. 15.17").	xxv, 14
TEX. CODE CRIM. PROC. ANN. art. 15.26 (West 2005) ("Art. 15.26").	13
TEX. CODE CRIM. PROC. ANN. art. 16.10 (West 2005) ("Art. 16.10").	14
TEX. CODE CRIM. PROC. ANN. art. 16.11 (West 2005) ("Art. 16.11").	14

TEX. CODE CRIM. PROC. ANN. art. 16.17 (West 2005) ("Art. 16.17").	14
TEX. CODE CRIM. PROC. ANN. art. 17.033 (West 2005) ("Art. 17.033").	14
TEX. CODE CRIM. PROC. ANN. art. 17.291 (West 2005) ("Art. 17.291").	14
TEX. CODE CRIM. PROC. ANN. art. 20.16 (West 2005) ("Art. 20.16").	13
TEX. CODE CRIM. PROC. ANN. art. 20.7 (West 2005) ("Art. 20.7").	14
TEX. CODE CRIM. PROC. ANN. art. 21.01-21.31 (West 1989 & Supp. 2004-2005) ("Art. 21.01-21.31").	13
TEX. CODE CRIM. PROC. ANN. art. 21.22 (West 1989 & Supp. 2004-2005) ("Art. 21.22").	13
TEX. CODE CRIM. PROC. ANN. art. 23.01 (West 1989 & Supp. 2004-2005) ("Art. 23.01").	13
TEX. CODE CRIM. PROC. ANN. art. 23.02 (West 1989 & Supp. 2004-2005) ("Art. 23.02").	13
TEX. CODE CRIM. PROC. ANN. art. 26.01 (West 1989 & Supp. 2004-2005) ("Art. 26.01").	14
TEX. CODE CRIM. PROC. ANN. art. 26.03 (West 1989 & Supp. 2004-2005) ("Art. 26.03").	xxv
TEX. CODE CRIM. PROC. ANN. art. 27.02 (West 1989 & Supp. 2004-2005) ("Art. 27.02").	14
TEX. CODE CRIM. PROC. ANN. art. 28.07 (West 1989 & Supp. 2004-2005) ("Art. 28.07").	13
TEX. CODE CRIM. PROC. ANN. art. 31.01-31.03 (West 1989 & Supp. 2004-2005) ("Art. 31.01-31.03").	14
TEX. CODE CRIM. PROC. ANN. art. 38.03 (West 1979 & Supp. 2004-2005).	xvi, 13, 14
TEX. CODE CRIM. PROC. ANN. art. 42.12 § __ (West Supp. 2004-2005) ("Art. 42.12 § __").	xvii, 14, 16
Art. 42.12 § 1.	xvii, 18, 19
Art. 42.12 § 5(b).	xviii, 4, 5, 14, 15, 18, 19
Art. 42.12 § 10(c).	xviii, 4, 5, 14, 18, 19
Art. 42.12 § 11.	18, 19
Art. 42.12 § 11(a).	xxi